

EXHIBIT “E”

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INDEX NO. 154611/2018

NYSCEF DOC. NO. 1

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MARCO PLEADING

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

Index No.:
 Date Filed:

-----X
 REX ELLIOTT HUMRICH,

Plaintiff,

Plaintiff designate
 NEW YORK County as
 the place of trial

-against-

SUMMONS

GARDEN OF EDEN GOURMET INC., GARDEN OF
 EDEN GOURMET INC. D/B/A GARDEN OF
 EDEN MARKETPLACE, GARDEN OF EDEN
 ENTERPRISES, INC. AND AEGEAN GOURMET
 FOOD, INC.

Defendants.

The basis of venue
 is plaintiff's
 residence:
 7 East 14th Street
 New York, New York
 and place of
 occurrence.

-----X
 To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to appear in this action by serving a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: May 8, 2018

Defendants' Addresses:

GARDEN OF EDEN GOURMET INC.
 7 East 14th Street
 New York, New York 10003

GARDEN OF EDEN GOURMET INC.
 D/B/A
 GARDEN OF EDEN MARKETPLACE
 7 East 14th Street
 New York, New York 10003

ERIC H. GREEN, ESQ.
 Attorney for Plaintiff

By: ERIC H. GREEN
 Post Office Address
 295 Madison Avenue
 New York, New York 10017

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GARDEN OF EDEN ENTERPRISES, INC.

7 East 14th Street

New York, New York 10003

-and-

161 West 23rd Street, Suite 2

New York, New York 10011

AEGEAN GOURMET FOOD, INC.

7 East 14th Street

New York, New York 10003

-and-

588 Baltic Street

Brooklyn, New York 11217

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
REX ELLIOTT HUMRICH,

Index No.:

Plaintiff,

VERIFIED
COMPLAINT

- against -

GARDEN OF EDEN GOURMET INC.,
GARDEN OF EDEN GOURMET INC.
D/B/A GARDEN OF EDEN MARKETPLACE,
GARDEN OF EDEN ENTERPRISES, INC. AND
AEGEAN GOURMET FOOD, INC.

Defendants.

-----x
Plaintiff, complaining of the defendants herein, by his
attorney, ERIC H. GREEN, ESQ., respectfully set forth and allege
as follows:

OK 1. That at the time of the commencement of this action,
plaintiff was a resident of the County, City and State of New
York.

A 2. That at all times herein mentioned, defendant, GARDEN OF
EDEN GOURMET INC., was a domestic corporation duly existing under
and by virtue of the Laws of the State of New York.

OK *and refer* 3. That at all times herein mentioned defendant, GARDEN OF
EDEN GOURMET INC., was an entity duly organized and existing
under and by virtue of the laws of the State of New York.

DET *and refer* 4. That at all times herein mentioned, defendant, GARDEN OF
EDEN GOURMET INC., *"... opened a market"* ~~owned a retail store~~ located at 7 East 14th
Street, in the County, City and State of New York.

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not refer *DBA*

5. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC.**, its agents, contractors and/or employees operated a ~~retail store~~ *"... market"* located at 7 East 14th Street, in the County, City and State of New York.

OK and refer

6. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC.**, its agents, contractors and/or employees maintained a retail store located at 7 East 14th Street, in the County, City and State of New York.

7. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC.**, its agents, contractors and/or employees controlled a retail store located at 7 East 14th Street, in the County, City and State of New York.

8. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC.**, its agents, contractors and/or employees managed a retail store located at 7 East 14th Street, in the County, City and State of New York.

9. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC.**, its agents, contractors and/or employees made repairs to a retail store located at 7 East 14th Street, in the County, City and State of New York.

A

10. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, was a domestic corporation duly existing under and by virtue of the Laws of the State of New York.

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DK1 and refer

11. That at all times herein mentioned defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, was an entity duly organized and existing under and by virtue of the laws of the State of New York.

DK1 and refer

12. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, *operated* ~~owned a~~ *a market* ~~retail store~~ located at 7 East 14th Street, in the County, City and State of New York.

13. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE** its agents, contractors and/or employees operated a retail store located at 7 East 14th Street, in the County, City and State of New York.

DK1 and refer

14. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, its agents, contractors and/or employees maintained a retail store located at 7 East 14th Street, in the County, City and State of New York.

15. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, its agents, contractors and/or employees controlled a retail store located at 7 East 14th Street, in the County, City and State of New York.

16. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, its agents, contractors and/or employees managed a retail store

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located at 7 East 14th Street, in the in the County, City and State of New York.

DKI and wife 17. That at all times herein mentioned, defendant, **GARDEN OF EDEN GOURMET INC. D/B/A GARDEN OF EDEN MARKETPLACE**, its agents, contractors and/or employees made repairs to a retail store located at 7 East 14th Street, in the County, City and State of New York.

A 18. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES, INC.**, was a domestic corporation duly existing under and by virtue of the Laws of the State of New York

DKI and wife 19. That at all times herein mentioned defendant, **GARDEN OF EDEN ENTERPRISES, INC.**, was an entity duly organized and existing under and by virtue of the laws of the State of New York.

D 20. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, owned a retail store located at 7 East 14th Street, in the County, City and State of New York.

21. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, its agents, contractors and/or employees operated a retail store located at 7 East 14th Street, in the County, City and State of New York.

22. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, its agents, contractors and/or employees maintained a retail store located at 7 East 14th Street, in the County, City and State of New York.

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D 23. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, its agents, contractors and/or employees controlled a retail store located at 7 East 14th Street, in the County, City and State of New York.

24. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, its agents, contractors and/or employees managed a retail store located at 7 East 14th Street, in the County, City and State of New York.

25. That at all times herein mentioned, defendant, **GARDEN OF EDEN ENTERPRISES INC.**, its agents, contractors and/or employees made repairs to a retail store located at 7 East 14th Street, in the County, City and State of New York.

A 26. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, was a domestic corporation duly existing under and by virtue of the Laws of the State of New York.

OK and refer 27. That at all times herein mentioned defendant, **AEGEAN GOURMET FOOD, INC.**, was an entity duly organized and existing under and by virtue of the laws of the State of New York.

D 28. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, owned a retail store located at 7 East 14th Street, in the County, City and State of New York.

29. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, its agents, contractors and/or employees operated a retail store located at 7 East 14th Street, in the County, City and State of New York.

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30. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, its agents, contractors and/or employees maintained a retail store located at 7 East 14th Street, in the County, City and State of New York.

31. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, its agents, contractors and/or employees controlled a retail store located at 7 East 14th Street, in the County, City and State of New York.

32. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, its agents, contractors and/or employees managed a retail store located at 7 East 14th Street, in the County, City and State of New York.

33. That at all times herein mentioned, defendant, **AEGEAN GOURMET FOOD, INC.**, its agents, contractors and/or employees made repairs to a retail store located at 7 East 14th Street, in the County, City and State of New York.

34. That on the 19th day of August, 2017, while plaintiff was lawfully and properly traversing within the building located at 7 East 14th Street, County, City and State of New York he was caused to be precipitated to the ground, thereby causing him to sustain severe injuries as hereinafter set forth.

35. That on the 19th day of August, 2017, while plaintiff was lawfully and properly traversing within a retail store located at 7 East 14th Street, in the County, City and State of New York he was caused to be precipitated to the ground, thereby causing him to sustain severe injuries as hereinafter set forth.

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D and refer

36. That the defendants were at all times herein mentioned under a duty to maintain the aforementioned property in a safe, proper and secure manner, in good repair and free from obstruction, hazzard and defect.

37. That the defendants were at all times herein mentioned under a duty to maintain the aforementioned retail store in a safe, proper and secure manner, in good repair and free from obstruction, hazzard and defect.

38. That the defendants were at all times herein mentioned under a duty to maintain the aforementioned retail store in a safe, proper and secure manner, in good repair and free from obstruction, hazzard and defect.

D 39. That this occurrence and the injuries sustained by plaintiff were caused wholly and solely by the negligence of the defendants.

D and refer 40. That this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

D 41. That as result of the foregoing, plaintiff has been damaged in an amount to be determined in excess of the jurisdiction of all lower courts.

WHEREFORE, plaintiff, REX ELLIOTT HUMRICH, demands judgment against the defendants in an amount to be determined in excess of the jurisdiction of all lower courts all together with the costs and disbursements of this action.

Dated: May 8, 2018

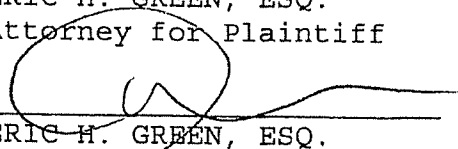
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ERIC H. GREEN, ESQ.
Attorney for Plaintiff


By: ERIC H. GREEN, ESQ.
Post Office Address
295 Madison Avenue
New York, New York 10017
(212) 532-2450

/cb

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ATTORNEY'S VERIFICATION

I, the undersigned, am an attorney admitted to practice in the Courts of New York State, and say that:

I am the attorney of record, or of counsel with the attorney(s) of record for plaintiff(s).

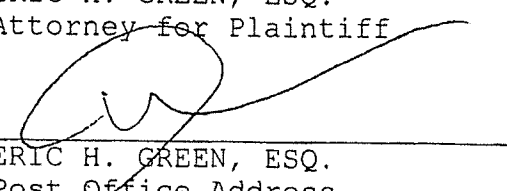
I have read the annexed Summons and Verified Complaint and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge is based upon the following:

Interviews and/or discussions with the plaintiff and papers and/or documents in the file.

The reason I make this affirmation instead of plaintiff is because said plaintiff resides outside of the county from where your deponent maintains his office for the practice of law.

Dated: May 8, 2018
New York, New York

ERIC H. GREEN, ESQ.
Attorney for Plaintiff

By: 
ERIC H. GREEN, ESQ.
Post Office Address
295 Madison Avenue
New York, New York 10017
(212) 532-2450